

REMARKS

Claims 1-7, 9 and 11 are pending and at issue. Claims 8, 10, and 12-17 are stand canceled. Claims 3 and 5-7 have been amended to delete the bullet-points in the bodies of these claims. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

Claims 9 and 11 stand allowed.

Claim Objections

Claims 3 and 5-7 were objected to because the claim elements contained bulleted numbers using alphanumeric characters. Applicant has deleted the bullet-points and therefore traverses the objection. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(A) ABOUT CLAIM 1

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over a purported combination of *Nakamichi* and *Johansson*. Applicant respectfully traverses for, at least, the following reasons.

Claim 1 of the present invention recites a method for data forwarding in label switching networks, which comprises:

at a source node, distributing and mapping all the data packets forming an original data flow to be forwarded to multiple Label Switching Paths (LSPs) for forwarding, inserting a detection message into the original data flow to be forwarded according to a set period, and when information of an invalid LSP is received from a destination node, stopping distributing the data packets to the invalid LSP; and

at the destination node, receiving the detection message from each of the LSPs according to the set period, when the detection message is found lost, deciding that the LSP becomes invalid, sending the information of the invalid LSP to the source node, stopping receiving the data packets from the invalid LSP, and merging the data packets received from all the LSPs into the same data flow as the original data flow forwarded.

From these elements, it can be seen that when information of an invalid LSP is received from the destination node, for the recited method, the source node stops distributing the data packets to the invalid LSP.

Comparing this to the relied upon art, Figure 3 of *Johansson* depicts an example of 1+1 protection switching architecture. However, from Figure 3, it is obvious that a permanent bridge exists at the sender, and a selector exists at the receiver. Combining common knowledge in the related art, it can be seen that traffic is always sent to both the working entity and the protection entity in Figure 3 via the permanent bridge, ***no matter whether a connection fault is detected***. Further to this point, looking at paragraphs [0014], [0024] and [0052], it can be seen that the switch-over references that the receiver makes a selection between the working entity and the protection entity based on whether a connection fault is detected, which from another aspect shows that traffic exists for both the working entity and the protection entity. That is, if a connection fault is detected, the receiver selects the protection entity, otherwise, the receiver selects the working entity. See, *Johansson*, Figure 3, paragraphs [0014], [0020], [0024] and [0052].

The office action takes the position, in the first paragraph on page 4, that “paragraphs [0024], [0014] and [0052] of *Johansson* teaches that a switchover is performed from one LSP to another. This means stopping traffic through the LSP with the error and transferring through another.” Applicant respectfully traverses at least for the following reasons.

Taking the above analysis about *Johansson* into consideration, it can be seen that the switchover in ***Johansson does not mean stopping traffic through the LSP with the error***, instead it means making a selection between the working entity and the protection entity at the receiver. Combining the permanent bridge in Figure 3 of *Johansson*, it can be seen that traffic is always present for both the working entity and the protection entity no matter whether a connection fault is detected.

Thus, it can be seen that *Johansson* doesn’t disclose or teach the elements “and when information of an invalid LSP is received from a destination node, stopping distributing the data packets to the invalid LSP,” as recited in claim 1.

Applicant respectfully submits that *Nakamichi* does not teach or otherwise provide these deficiencies of *Johansson*. As such, no combination of *Nakamichi* and *Johansson* can be said to provide the subject matter of claim 1.

REJECTION UNDER 35 U.S.C. § 103(A) ABOUT CLAIMS 2 AND 4

Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a purported combination of *Nakamichi*, *Johansson* and *Khotimsky*. The

rejections are traversed for at least the following reasons. Notably, *Khotimsky* like *Nakamichi* does not satisfy the deficiencies present in *Johansson*. Therefore, the rejections of claims 2 and 4 are traversed and reconsideration requested.

REJECTION UNDER 35 U.S.C. § 103(A) ABOUT CLAIM 3

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over a purported combination of *Nakamichi*, *Johansson*, *Khotimsky* and *Dell*. The rejection is traversed for at least the following reasons. Applicant respectfully submits that the above remarks regarding the deficiencies of *Nakamichi*, *Johansson* and *Khotimsky* are applicable to the rejection of claim 3. *Dell* does not satisfy these deficiencies, either. As such, no combination of these four references can be fairly said to disclose or teach the subject matter of claim 3, or claim 1 for that matter.

Claim 3 ultimately depends from claim 1, as do claims 5-7; therefore all of these dependent claims are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Dated: January 25, 2010

Respectfully submitted,

By 

Paul B. Stephens

Registration No.: 47,970

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant